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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,507	11/13/2006	Erik Andersen	4614-0125PUS2	9942
2292 7590 11/26/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER HOLLOWAY, IAN KNOBEL	
			ART UNIT	PAPER NUMBER
			3763	
			NOTIFICATION DATE	DELIVERY MODE
			11/26/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No. 10/587,507	Applicant(s) ANDERSEN, ERIK	
	Examiner IAN K. HOLLOWAY	Art Unit 3763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/13/2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to application no. 10587507 filed on 7/27/2006.

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The spacing of the lines of the specification is such as to make reading difficult. New application papers with lines 1½ or double spaced on good quality paper are required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, and 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by **Bierman (US Pg Pub 20020133121)**, herein after referred to as **B**.

Regarding **Claim 1**, **B** discloses: -a frame with a body portion and holding means for securing the connector in relation to the body portion; **(16, a pad)** a locking

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mechanism for securing a guide wire or catheter in relation to the frame when the guide wire or catheters extends through the connector. (**72**, a clip holding the catheter in place)

Regarding **Claim 13, B** discloses: a connector (**Fig. 5**).

Regarding **Claim 14, B** discloses: securing a catheter (**Fig. 2**, the catheter is secured).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over B in view of **Lundquist et al. (US Patent 5409453)**, herein after referred to as **L**.

Regarding **Claims 2 and 3**, **B** discloses the invention claimed as stated above except for the locking mechanism is arranged to secure at least two guide wires and/or catheters in relation to the frame.

However, **L** teaches the locking mechanism is arranged to secure at least two guide wires and/or catheters in relation to the frame and is arranged to individually lock and release either one the two guide wires and/or catheters. (**Fig. 16**, two components are held)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a second grip, since it has been held that a mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over **B** in view of **Sherets et al. (US Patent 6533772)**, herein after referred to as **S**.

Regarding **Claim 4**, **B** discloses the invention claimed as stated above except for a first locking member which is slidingly arranged in a first slot provided in said frame, and a wall portion protruding from the frame, the slot extending at an oblique angle with respect to the wall portion, the first locking member being longitudinally movable in said first slot between a first position and a second position, whereby, in the first position of the first locking member, the transversal clearance between the wall portion and the first locking member is at most equal to the thickness of the guide wire or catheter, so that the guide wire or catheter is locked between the first locking member and the wall portion, and whereby, in the second position of the first locking member, the transversal

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clearance between the wall portion and the first locking members is so large as to allow the guide wire or catheter to move in relation to the frame.

However, **S** teaches a first locking member which is slidably arranged in a first slot provided in said frame, (**104**, the locking member) and a wall portion (**100**, the interior wall) protruding from the frame, the slot extending at an oblique angle with respect to the wall portion, the first locking member being longitudinally movable in said first slot between a first position and a second position, whereby, in the first position of the first locking member, the transversal clearance between the wall portion and the first locking member is at most equal to the thickness of the guide wire or catheter, so that the guide wire or catheter is locked between the first locking member and the wall portion, and whereby, in the second position of the first locking member, the transversal clearance between the wall portion and the first locking members is so large as to allow the guide wire or catheter to move in relation to the frame. (**Fig. 12b and 12c**, the locked and unlocked positions)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the locking member as taught by **S**, since **S** states at column 2, lines 65-66 that such modification would make the device inexpensive. Thus, it would have been obvious to one of ordinary skill in the art to apply the locking member as taught in **S**, to improve the device of **B** for the predictable result of making a cheaper to produce device.

9. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over **B** in view of **S**, further in view of **L**.

Regarding **Claim 5, B** discloses the invention claimed as stated above except for a second locking member which is slidingly arranged in a second slot provided in said frame, the second slot extending at an oblique angle with respect to said wall portion and being arranged at an opposite side of the wall portion with respect to the first slot, the second locking member being longitudinally movable in the second slot between first and second positions for locking and releasing a second guide wire or catheter.

However, **L** teaches a second locking member which is slidingly arranged in a second slot provided in said frame, the second slot extending at an oblique angle with respect to said wall portion and being arranged at an opposite side of the wall portion with respect to the first slot, the second locking member being longitudinally movable in the second slot between first and second positions for locking and releasing a second guide wire or catheter. (**Fig. 16**, two components are held)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a second grip, since it has been held that a mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Regarding **Claims 6-8, B** discloses the device as claimed above except for labels.

However, **one of ordinary skill in the art at the time of the invention** would distinguish the two different locks by any of the known means such as color or feel. Thus, it would have been obvious to one of ordinary skill in the art to apply labels, to improve the device of **B** for the predictable result of making it easier to use.

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10. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over B in view of **S**, further in view of **Intlekofer et al. (US Patent 4858810)**, herein after referred to as **I**.

Regarding **Claim 9**, **B** discloses the invention claimed as stated above except for a face of said wall portion facing the guide wire or catheter; and a face of said first locking member facing the guide wire or catheter is flexible or deformable.

However, **I** teaches a face of said wall portion facing the guide wire or catheter; and a face of said first locking member facing the guide wire or catheter is flexible or deformable. (**28**, a deformable material)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a flexible material, Since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

11. Claims 10-12, are rejected under 35 U.S.C. 103(a) as being unpatentable over B in view of **Mohtasham (US Patent 6418592)**, herein after referred to as **M**.

Regarding **Claims 10-11**, **B** discloses the invention claimed as stated above except for a first and optionally a second spring-biased locking member for fixing the guide wire or catheter in relation to the frame and a first and optionally a second eccentrically mounted, rotational locking member.

However, **M** teaches a first and optionally a second spring-biased locking member (**5 and 2**, the spring and locking members) for fixing the guide wire or catheter

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in relation to the frame and a first and optionally a second eccentrically mounted, rotational locking member. **(2, the locking member rotates)**

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the lock as taught by **M**, since **M** states at column 1, lines 53-56 that such modification would make a simpler to use machine. Thus, it would have been obvious to one of ordinary skill in the art to apply the construction as taught in **M**, to improve the device of **B** for the predictable result of making it easy to use.

Regarding **Claims 12**, **B** discloses the device as claimed above except for labels.

However, **one of ordinary skill in the art at the time of the invention** would distinguish the two different locks by any of the known means such as color or feel. Thus, it would have been obvious to one of ordinary skill in the art to apply labels, to improve the device of **B** for the predictable result of making it easier to use.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IAN K. HOLLOWAY whose telephone number is (571)270-3862. The examiner can normally be reached on 8-5, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas D. Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ilan K Holloway/
Examiner, Art Unit 3763

/Nicholas D Lucchesi/
Supervisory Patent Examiner, Art Unit 3763